

Dear Chariman Genachowski and Commissioners:

On behalf of the SCANA Corporation family of companies (SCANA), I wish to express our appreciation for the opportunity to review and comment upon this important regulatory initiative. We applaud the worthy objectives, but have serious concerns with what we believe to be dangerous, unintended consequences should the regulations as proposed be implemented. SCANA Corporation and its corporate subsidiaries strongly urge the Commission to revise its proposed rule under the Telephone Consumer Protection Act (TCPA) restricting the use of autodialers and pre-recorded messages to contact consumers on their wireless numbers.

In 2007, the Commission considered this same issue in response to the current law's requirement of prior express consent. The Commission fairly and pragmatically concluded that necessary prior express consent of called parties was provided where creditors called wireless numbers using predictive dialers to collect debt if the recipient of the call had provided the number to the creditor during the transaction that resulted in the debt being pursued for collection. The Commission concluded similarly in regards to the use of predictive dialers to leave messages. The proposed rule about which SCANA has grave concern, thoroughly eviscerates its prior reasonable, fair, and practical policy position by requiring, for the first time, prior signed, WRITTEN consent. To compound the damaging effect this new, unreasonably restrictive requirement, the rule holds that the prior written consent cannot be required as a condition of purchasing services. The Commission has enunciated no good reason for its decision to abandon its prior approval of these practices and to impose instead unreasonable and uncalled-for restrictions on the ability of all businesses, even businesses such as our regulated retail energy companies, to collect funds owed by our customers for services we are required to provide.

We understand and fully support the spirit of the law, which is to prevent an onslaught of telemarketers - not regulated service providers - attempting to contact customers regarding their accounts. Our reliance on predictive dialers is primarily limited to collections efforts. As the Commission surely knows, unlike with other automated dialers, predictive dialers used for collections efforts do not randomly or sequentially generate numbers to reach customers. The predictive dialers used in our industry are relied on for their accuracy and efficiency in dialing only those numbers provided to us by our customers. Their use has dramatically increased the efficiency of our collections efforts. And in our regulated business, uncollected debts are passed along to the remaining, paying customers. So, anything that enhances the efficiency and efficacy of our collection processes is good for our entire customer base - even the debtors for whom the debt clearing process is made more efficient as well. The ability to make reasonable use of this predictive dialer technology is also important in helping to ensure that our outsourced collections efforts remain compliant with all current federal and state law in the timely notification of delinquencies.

Understanding that the proposed rules cover a multitude of circumstances, and thus necessarily were

drafted to be as broad as possible, we would ask at a minimum that the Commission craft a carve-out to allow for the use of predictive dialers for debt collection consistent with the Commission's December 28, 2007 Declaratory Ruling. As is likely the case for other companies, the SCANA family of businesses includes companies that have limited or no business offices or facilities. In today's e-enabled business world, much business is conducted without walk-in offices where one would be able to present executed documentation. Rules based on the old business model of walk-in offices and paper based sign-ins ignore today's business realities. And were it to become necessary for customers to have to await paperwork processed remotely of the expected prompt initiation of utility service, consumer expectations would have to be adjusted away from today's model of fast, efficient sign-up and turn-on of utility service.

The use of wireless phone numbers for debt collection is critical in the very common situation where a customer moves without leaving a forwarding address. But because the cell phone number often remains unchanged, the customer can still be contacted. So rather than a customer being reported to the credit reporting agencies for an unpaid utility bill, oftentimes unintentionally neglected or lost in the relocation shuffle, he/she can be contacted and the matter resolved to the benefit of both parties.

Our debt collection practices are already subject to the Fair Credit Reporting Act and numerous other federal and state consumer protection laws. In addition, the collection agencies on which we rely are very strictly regulated under the terms of the Fair Debt Collection Practices Act. These laws provide extensive protections regarding the manner by which creditors, including utilities, communicate with consumers and what can and cannot be said in those communications.

We strongly urge the Commission to revise its proposed rulemaking to the TCPA in a manner that properly recognizes the importance of continued, timely communication between businesses and consumers via their wireless numbers.

Thank you for your attention to this critical issue.

Thomas J. Bebko
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